IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

Crl.MC.No. 2076 of 2004()

CC.27/2004 of CHIEF JUDITIAL MAGISTRATE COURT, THALASSERY

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PETITIONER: ACCUSED.

MOHAMMED SAJITH, S/O.NASIR, SABNA MANZIL
BAPPAYA THOTTI, KASARAGOD. UPPALA.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

STATE OF KERALA, REP. BY THE DEPUTY
SUPERINTENDENT OF POLICE, CRIME BRANCH C.I.D.
KASARAGOD TO BE REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI C.M. KAMMAPPU.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 03/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRLM.C. NO. 2076 of 2004

Dated 3rd day of January, 2007

ORDER

The petitioner who is the accused in C.C.No.27/2004 in the file of the Chief Judicial Magistrate, Thalassery with respect to the offences under sections 465, 468 and 471 IPC has sought for quashing the proceedings pending against him. The prosecution case is that the petitioner, in order to obtain a job as `Seaman', in the department of Ministry of Shipping, Government of India, forged a certificate with respect to the Fitter trade purportedly issued by the Government Industries Training Institute, Kannur. It is the contention of the petitioner that right now, only a photostat copy of the allegedly forged certificate is available after the matter was investigated by the CBCID. According to the petitioner, the charge cannot be sustained on the basis of the photo copy of the certificate. It is the case of the petitioner that , in fact, he had only entrusted the application for the particular post with one Fernado who was running a shipping agency and paid Rs. 15,000/- about three years back and also entrusted photostat copies of his passport and the school

certificate. It is the case of the petitioner that it is likely that the above agency might have forged the trade certificate and attempted to obtain the employment for him. It was found that the above shipping agency has been closed down and the whereabouts are not known. As the investigating agency could not trace the above Fernado, the petitioner has been substituted as the sole accused. The petitioner has also produced the relevant portions of the case diary.

2. I find that the prosecution case is that it is the petitioner/accused who has forged the false trade certificate and applied for the post of `Seaman'. Whether the evidence produced is sufficient to sustain the charge against him is a matter to be thrashed out before the trial court. The petitioner has also the option to apply for discharge. In view of the seriousness of the offence involved, I find that the jurisdiction under section 482 Cr.P.C.is not liable to be invoked in the instant case.

In the result, the Crl.M.C. is dismissed.

Kvm/- K.R.UDAYABHANU,JUDGE.

Kvm/-

kvm/-